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Attorneys for Defendant KOHL'S DEPARTMENT STORES, INC. and erroneously  
sued as KOHL'S CORPORATION

FILED

2012 JUL 10 PM 12:05

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

AMBER CULLEN, guardian ad litem  
for KATELIN CULLEN (minor) and  
AMBER CULLEN,

Plaintiffs,

vs.

KOHL'S DEPARTMENT STORES,  
INC., KOHL'S CORPORATION, and  
DOES 1 to 100 Inclusive,

Defendants.

Case No.:

*SACV12-1125-JUS(CAN)*  
**DEFENDANT KOHL'S  
DEPARTMENT STORES, INC.'S  
NOTICE OF REMOVAL OF  
ACTION UNDER 28 U.S.C. §1441(b);  
AND DECLARATION OF SUMMER  
BRIDGES IN SUPPORT THEREOF**

*Complaint Filed: August 16, 2011*

**TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

**PLEASE TAKE NOTICE** that Defendant KOHL'S DEPARTMENT  
STORES, INC., hereby removes to this Court the State Court action described  
below:

1. On August 16, 2011, Plaintiff AMBER CULLEN, individually and as  
guardian ad litem for KATELIN CULLEN, filed this action in the Superior Court of  
the State of California, County of Orange, as Case No. 30-2011-00500532. Attached  
hereto as Exhibit "A" is a true and correct copy of the Summons and Complaint.  
Attached hereto as Exhibit "B" is a true and correct copy of Kohl's Answer filed on  
May 25, 2012.

1 damages plus \$85,803.00 for medical expenses. Plaintiff served this Statement of  
2 Damages, by mail, on July 3, 2012.

3 7. Thus, the amount in controversy in this action exceeds the \$75,000  
4 jurisdictional limit established by 28 U.S.C. §1332(a).

5 I declare under penalty of perjury under the laws of the United States of  
6 America that the foregoing is true and correct and that this declaration was executed  
7 at Los Angeles, California on July 9, 2012.

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Summer Bridges

**DECLARATION OF SUMMER BRIDGES**

I, SUMMER BRIDGES, declare that:

1. I am an attorney at law duly licensed to practice before this Court and all of the courts of the State of California. I am an associate of the law offices of Manning & Kass, Ellrod, Ramirez, Trester LLP, the attorneys for Defendant, KOHL'S DEPARTMENT STORES, INC., in this action. If called upon to do so, I could and would testify to the following from my personal knowledge, except as to those matters stated on information and belief, as to which I believe them to be true.

2. On August 16, 2011, Plaintiff AMBER CULLEN, individually and as guardian ad litem for KATELIN CULLEN, filed this action in the Superior Court of the State of California, County of Orange, as Case No. 30-2011-00500532. Attached hereto as Exhibit "A" is a true and correct copy of the Summons and Complaint. Attached hereto as Exhibit "B" is a true and correct copy of Kohl's Answer filed on May 25, 2012.

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this Court by Defendant KOHL'S DEPARTMENT STORES, INC., pursuant to the provisions of 28 U.S.C. §1441, in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

4. Diversity of the parties exists as AMBER CULLEN AND KATELIN CULLEN are citizens of the State of California, County of Orange.

5. Defendant KOHL'S DEPARTMENT STORES, INC., is a Delaware corporation with its headquarters and principal place of business located in the City of Menomonee Falls, Wisconsin.

6. Plaintiff's lawsuit asserts one cause of action against Kohl's for premises liability. In Plaintiff's Statement of Damages, a true and correct copy of which is attached hereto as Exhibit "C", Plaintiff seeks \$50,000 for general compensatory

1           2.     This action is a civil action of which this Court has original jurisdiction  
2 under 28 U.S.C. §1332, and is one which may be removed to this Court by Defendant  
3 KOHL'S DEPARTMENT STORES, INC., pursuant to the provisions of 28 U.S.C.  
4 §1441, in that it is a civil action between citizens of different states and the matter in  
5 controversy exceeds the sum of \$75,000, exclusive of interest and costs.

6           3.     Diversity of the parties exists as AMBER CULLEN AND KATELIN  
7 CULLEN are citizens of the State of California, County of Orange.

8           4.     Defendant KOHL'S DEPARTMENT STORES, INC., is a Delaware  
9 corporation with its headquarters and principal place of business located in the City  
10 of Menomonee Falls, Wisconsin.

11          5.     Plaintiff's lawsuit asserts one cause of action against Kohl's for  
12 premises liability. In Plaintiff's Statement of Damages, a true and correct copy of  
13 which is attached hereto as Exhibit "C", Plaintiff seeks \$50,000 for general  
14 compensatory damages plus \$85,803.00 for medical expenses. Plaintiff served this  
15 Statement of Damages, by mail, on July 3, 2012.

16          6.     Thus, the amount in controversy in this action exceeds the \$75,000  
17 jurisdictional limit established by 28 U.S.C. §1332(a).

18  
19 Dated: July 9, 2012

MANNING & KASS  
ELLROD, RAMIREZ, TRESTER LLP

20  
21  
22 By: 

Jeffrey M. Lenkov  
Summer Bridges  
Attorneys for Defendant KOHL'S  
DEPARTMENT STORES, INC. and  
erroneously sued as KOHL'S  
CORPORATION

# **EXHIBIT A**

SUM-100

# SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

KOHL'S DEPARTMENT STORES, INC.

*Kohl's Corporation, Does 1 to 100*

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

AMBER CULLEN, guardian ad litem for KATELIN CULLEN (minor)  
and AMBER CULLEN

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER

MAR 06 2012

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): Orange County Superior Court  
700 Civic Center Drive West  
Santa Ana, Ca 92702-0838

CASE NUMBER:  
(Número del Caso):

30-2011-500532

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Christopher J. Hennes, Esq. 2130 Main Street, Suite 200, Huntington Beach, CA 92648 714/536-6023

DATE:  
(Fecha)

MAR 06 2012

ALAN CARLSON

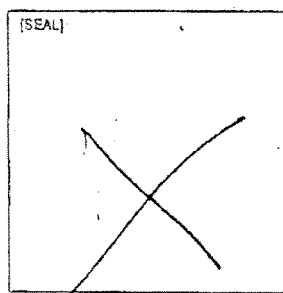
Clerk, by  
(Secretario)

D. NORMAN

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant;
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify): *Kohl's Corporation*

- under:
- |  |   |
|--|---|
| <input checked="" type="checkbox"/> CCP 416.10 (corporation)     | <input type="checkbox"/> CCP 416.60 (minor)             |
| <input type="checkbox"/> CCP 416.20 (defunct corporation)        | <input type="checkbox"/> CCP 416.70 (conservatee)       |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify):                        |   |

- ☒ by personal delivery on (date):



PLD-PI-001

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>CHRISTOPHER J. HENNES, Esq.</b> (SBN 71176)          2130 Main Street, Suite 200          Huntington Beach, CA 92648          714/536-6023          TELEPHONE NO: (714) 536-6023 FAX NO. (Optional): (714) 536-6073          E-MAIL ADDRESS (Optional):          ATTORNEY FOR (Name): <b>Plaintiffs</b></p> <p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b>          STREET ADDRESS: 700 Civic Center Drive West          MAILING ADDRESS: P.O. Box 838          CITY AND ZIP CODE: Santa Ana, CA 92702-0838          BRANCH NAME: Central Justice Center</p> <p>PLAINTIFF: <b>AMBER CULLEN, KATELIN CULLEN (minor)</b>  <i>guardian ad litem for Katelin Cullen and Amber</i>          DEFENDANT: <b>KOHL'S DEPARTMENT STORES, INC., Cullen</b>  <b>KOHL'S CORPORATION,</b></p> <p><input checked="" type="checkbox"/> DOES 1 TO 100</p> <p><b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b>  <input type="checkbox"/> <b>AMENDED (Number):</b>          Type (check all that apply):  <input type="checkbox"/> <b>MOTOR VEHICLE</b> <input checked="" type="checkbox"/> <b>OTHER (specify): Premises Liability</b>  <input type="checkbox"/> <b>Property Damage</b> <input type="checkbox"/> <b>Wrongful Death</b>  <input checked="" type="checkbox"/> <b>Personal Injury</b> <input type="checkbox"/> <b>Other Damages (specify):</b></p> <p><b>Jurisdiction (check all that apply):</b>  <input type="checkbox"/> <b>ACTION IS A LIMITED CIVIL CASE</b>          Amount demanded <input type="checkbox"/> does not exceed \$10,000  <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000  <input checked="" type="checkbox"/> <b>ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</b>  <input type="checkbox"/> <b>ACTION IS RECLASSIFIED by this amended complaint</b>  <input type="checkbox"/> from limited to unlimited  <input type="checkbox"/> from unlimited to limited</p>	<p style="text-align: center;">FOR COURT USE ONLY</p> <p style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</p> <p style="text-align: center;">SUPERIOR COURT OF CALIFORNIA          COUNTY OF ORANGE          CENTRAL JUSTICE CENTER</p> <p style="text-align: center; font-size: 18pt; font-weight: bold;">AUG 16 2011</p> <p style="text-align: center;">ALAN CARLSON, Clerk of the Court</p> <p>BY: <u>A. RINCON</u> DEPUTY</p> <p>CASE NUMBER:  <b>30-2011</b>  <b>00500532</b>  <b>JUDGE JAMOA A. MOBERLY</b>  <b>DEPT. C12</b></p>
<p>1. Plaintiff (name or names): <b>Amber Cullen, Katelin Cullen</b>          alleges causes of action against defendant (name or names):  <b>Kohl's Department Stores, Inc., Kohl's Corporation</b></p> <p>2. This pleading, including attachments and exhibits, consists of the following number of pages: <b>4</b></p> <p>3. Each plaintiff named above is a competent adult          a. <input checked="" type="checkbox"/> <b>except plaintiff (name): Katelin Cullen</b>          (1) <input type="checkbox"/> a corporation qualified to do business in California          (2) <input type="checkbox"/> an unincorporated entity (describe):          (3) <input type="checkbox"/> a public entity (describe):          (4) <input checked="" type="checkbox"/> a minor <input type="checkbox"/> an adult              (a) <input checked="" type="checkbox"/> for whom a guardian or conservator of the estate or a guardian ad litem has been appointed              (b) <input type="checkbox"/> other (specify):          (5) <input type="checkbox"/> other (specify):          b. <input type="checkbox"/> <b>except plaintiff (name):</b>          (1) <input type="checkbox"/> a corporation qualified to do business in California          (2) <input type="checkbox"/> an unincorporated entity (describe):          (3) <input type="checkbox"/> a public entity (describe):          (4) <input type="checkbox"/> a minor <input type="checkbox"/> an adult              (a) <input type="checkbox"/> for whom a guardian or conservator of the estate or a guardian ad litem has been appointed              (b) <input type="checkbox"/> other (specify):          (5) <input type="checkbox"/> other (specify):</p> <p><input type="checkbox"/> Information about additional plaintiffs who are not competent adults is shown in Attachment 3.</p>	
<p style="font-size: 10pt;">Form Approved for Optional Use          Judicial Council of California          PLD-PI-001 (Rev. January 1, 2007)</p> <p style="text-align: center; font-weight: bold;">COMPLAINT—Personal Injury, Property          Damage, Wrongful Death</p> <p style="text-align: right; font-size: 10pt;">Page 1 of 3          Code of Civil Procedure, §425.12          www.courtinfo.ca.gov</p>	

PLD-P1-001

SHORT TITLE:

CULLEN vs. KOHL'S DEPARTMENT STORES, INC., ET AL.

CASE NUMBER:

4. ☐ Plaintiff (name):

Is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): Kohls Dept. Stores(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):b. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):c. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):d. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 1-50

were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b. ☒ Doe defendants (specify Doe numbers): 51-100

are persons whose capacities are unknown to plaintiff.

7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.d. ☐ other (specify):9. ☐ Plaintiff is required to comply with a claims statute, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):



PLD-PI-001

SHORT TITLE:

CULLEN vs. KOHL'S DEPARTMENT STORES, INC., ET AL.

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
- b. ☐ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (specify):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☐ other damage (specify):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

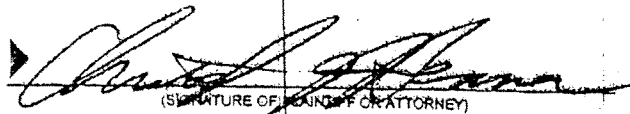
- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: August 15, 2011

CHRISTOPHER J. HENNES, Esq.

(TYPE OR PRINT NAME)

  
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(4)

SHORT TITLE:

CULLEN vs. KOHL'S DEPARTMENT STORES, INC., ET AL.

CASE NUMBER:

FIRST

(number)

## CAUSE OF ACTION—Premises Liability

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint  
 (Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): AMBER CULLEN, KATELIN CULLEN

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): August 16, 2009 plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Kohl's Department Store, 7777 Edinger Avenue #136, Huntington Beach, CA 92647

Plaintiff Amber Cullen was pregnant with plaintiff Katelin Cullen when she was injured in a slip and fall incident at defendant's retail department store. As a result of Amber Cullen's aforementioned injuries, Katelin Cullen was born six weeks prematurely. Katelin's premature birth caused numerous medical problems and permanent injuries that have required continuous medical care and several hospitalizations since birth.

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):  
 KOHL'S DEPARTMENT STORES, INC.  
 KOHL'S CORPORATION

☒ Does \_\_\_\_\_ to 100

Prem.L-3. ☐ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

☐ Does \_\_\_\_\_ to \_\_\_\_\_

Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does \_\_\_\_\_ to \_\_\_\_\_

a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

KOHL'S DEPARTMENT STORES, INC.  
 KOHL'S CORPORATION

☒ Does 1 to 100

b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are  
☐ described in attachment Prem.L-5.b ☐ as follows (names):

Page 1 of 1

# **EXHIBIT B**

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER  
MAY 25 2012  
ALAN CARLSON, Clerk of the Court

JEFFREY M. LENKOV, ESQ. (SBN 156478)  
SUMMER BRIDGES, ESQ. (SBN 249578)  
**MANNING & KASS**  
**ELLROD, RAMIREZ TRESTER LLP**

15th Floor at 801 Tower  
801 South Figueroa Street  
Los Angeles, CA 90017  
Telephone: (213) 624-6900  
Facsimile: (213) 624-6999

Attorneys for Defendant **KOHL'S DEPARTMENT STORES, INC.** and erroneously sued as  
**KOHL'S CORPORATION**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF ORANGE**

AMBER CULLEN, guardian ad litem for  
KATELIN CULLEN (minor) and AMBER  
CULLEN,

Plaintiffs,

vs.

KOHL'S DEPARTMENT STORES, INC.,  
KOHL'S CORPORATION, and DOES 1 to 100  
Inclusive,

Defendants.

Case No.: 30-2011-00500532-CU-PO-CJC

**ANSWER TO UNVERIFIED  
COMPLAINT; DEMAND FOR JURY  
TRIAL**

*Complaint Filed: August 16, 2011*

COMES NOW Defendant, **KOHL'S DEPARTMENT STORES, INC.** and erroneously  
sued as **KOHL'S CORPORATION** and answering the unverified complaint on file herein,  
alleges as follows:

1. Under the provisions of §431.30 of the California Code of Civil Procedure, each and  
every allegation, and all the allegations, and each cause of action in the Complaint, and the whole  
thereof, is denied; and it is expressly denied that as a direct and proximate result of any act or  
omission on the part of this answering defendant, that plaintiff sustained injury or damage in the  
amount alleged, or in any amount, or amounts, or at all.

**FIRST AFFIRMATIVE DEFENSE**

2. AS A FIRST AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint and each cause of action thereof, this answering defendant alleges by way of a plea of comparative negligence that the plaintiff was negligent in and about the matters and activities alleged in the Complaint, that said negligence contributed to and was a proximate cause of the alleged injuries and damages, if any, and that if this defendant is found to have been negligent, and if the plaintiff is entitled to recover damages against this answering defendant by virtue of the Complaint, this defendant prays that said recovery be diminished by reason of the negligence of the plaintiff in proportion to the degree of fault attributable to the plaintiff.

**SECOND AFFIRMATIVE DEFENSE**

3. AS A SECOND AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint, and each cause of action thereof, this defendant alleges by way of a plea of comparative negligence that the plaintiff was negligent in and about the matters and activities alleged in the Complaint, that said negligence contributed to and was a proximate cause of the alleged injuries and damages, if any, or was the sole cause thereof, and that if the plaintiff is entitled to recover damages against this defendant by virtue of the Complaint, this defendant prays that said recovery be diminished or extinguished by reason of the negligence of the plaintiff in proportion to the degree of fault attributable to the plaintiff.

**THIRD AFFIRMATIVE DEFENSE**

4. AS A THIRD AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint and each cause of action thereof, this defendant alleges that the incident mentioned in the Complaint and the alleged damages and/or injuries, if any, sustained by plaintiff were directly and proximately caused and contributed to by the negligence of a third party(ies) in that the said third parties did not exercise proper or necessary care or control over plaintiff at about the time of the happening of the incident complained of.

///

///

///

**FOURTH AFFIRMATIVE DEFENSE**

5. AS A FOURTH AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint and each cause of action thereof, this defendant alleges that plaintiff had knowledge of the risks and hazards involved in the activity at the time and place of the alleged incident and voluntarily engaging therein thereby assumed the risks and hazards thereof.

**FIFTH AFFIRMATIVE DEFENSE**

6. AS A FIFTH AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint and each cause of action thereof, this defendant alleges that if plaintiff is entitled to a joint judgment against this defendant and the remaining defendants, and each of them, this defendant prays that this Court order each of the judgment debtors to pay to plaintiff their proportionate share of the joint judgment, the judgment debtor's proportionate share having been determined by the trier of fact; and if this defendant is required to pay plaintiff a disproportionate share of any joint judgment, this defendant prays leave of this Court to seek contribution by motion against any other judgment debtor not paying the proportionate share allocated to any such defendant by the trier of fact.

**SIXTH AFFIRMATIVE DEFENSE**

7. AS A SIXTH AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint and each cause of action thereof, this defendant alleges that plaintiff has failed to state facts sufficient to constitute a cause of action against defendant.

**SEVENTH AFFIRMATIVE DEFENSE**

8. AS A SEVENTH AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint and each cause of action thereof this defendant alleges that the injuries sustained, if any, were either wholly or in part, negligently caused by persons, firms, corporations, or entities other than this answering defendant, and said negligence is either imputed to plaintiff, by reason of the relationship of said parties to plaintiff and/or said negligence comparatively reduces the percentage of negligence, if any, by this answering defendant.

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**EIGHTH AFFIRMATIVE DEFENSE**

9. AS AN EIGHTH AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint and each cause of action thereof, this answering defendant alleges that the Complaint, and all causes of action therein, are barred by the statute of limitations of the Code of Civil Procedure, including but not limited to *C.C.P. §§ 337.1, 337.15, 338 and 340*.

**NINTH AFFIRMATIVE DEFENSE**

10. AS A NINTH AND SEPARATE AFFIRMATIVE DEFENSE, to the Complaint and each cause of action thereof, this defendant alleges that payments have heretofore been made on behalf of defendant to plaintiff in an amount to be proved at trial without any admission of liability or responsibility for the incident herein sued upon or the injuries alleged sustained. Defendant is, pursuant to *Insurance Code §11583*, entitled to a credit in that amount against any settlement made or judgment rendered herein.

**TENTH AFFIRMATIVE DEFENSE**

11. AS AN TENTH AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint and each cause of action thereof, this defendant alleges that any injury, damage or loss suffered by plaintiff was proximately caused by plaintiff's failure to use reasonable means to prevent aggravation of plaintiff's conditions and to use reasonable means to mitigate damages to plaintiff.

**ELEVENTH AFFIRMATIVE DEFENSE**

12. AS AN ELEVENTH AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint and each cause of action thereof, this defendant alleges that liability, if any, for all non-economic damages shall be allocated in direct proportion to each tortfeasor's percentage of fault. *Civil Code, §1431, et seq.*

**TWELFTH AFFIRMATIVE DEFENSE**

13. AS A TWELFTH AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint and each cause of action thereof, this defendant alleges that plaintiff has unreasonably failed to mitigate damages, if any.

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**THIRTEENTH AFFIRMATIVE DEFENSE**

14. AS A THIRTEENTH AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint and each cause of action thereof, this party was given no notice of any alleged dangerous condition on its property in time to rectify any such alleged condition prior to the injuries of the plaintiff.

**FOURTEENTH AFFIRMATIVE DEFENSE**

15. AS A FOURTEENTH AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint and each cause of action thereof, this answering defendant had no actual or constructive knowledge of the alleged dangerous or unsafe condition which plaintiff claims caused her injuries.

**FIFTEENTH AFFIRMATIVE DEFENSE**

16. AS A FIFTEENTH AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint, and each cause of action thereof, this answering defendant alleges that this subject action is frivolous and plaintiff and her attorney are liable for sanctions pursuant to *C.C.P. §128.5 and §128.7*.

**SIXTEENTH AFFIRMATIVE DEFENSE**

17. AS A SIXTEENTH AND SEPARATE AFFIRMATIVE DEFENSE to the Complaint, and each cause of action thereof, this answering defendant had no ownership interest in, or control of, the premises and/or area whereat plaintiff claims to have been injured.

**WHEREFORE**, answering defendant prays that plaintiff take nothing by the Complaint; that answering defendant have judgment for costs of suit incurred herein; and for such further relief as this Court may deem just and proper.

Dated: May 22, 2012

MANNING & KASS  
ELLROD, RAMIREZ, TRESTER LLP

By: 

Jeffrey M. Lenkov  
Summer Bridges  
Attorneys for Defendant, KOHL'S  
DEPARTMENT STORES, INC. and  
erroneously sued as KOHL'S  
CORPORATION

DEMAND FOR JURY TRIAL

Defendant, KOHL'S DEPARTMENT STORES, INC. and erroneously sued as  
KOHL'S CORPORATION hereby demand trial of this matter by jury.

Dated: May 22, 2012

MANNING & KASS  
ELLROD, RAMIREZ, TRESTER LLP

By: \_\_\_\_\_

Jeffrey M. Lenkov  
Summer Bridges  
Attorneys for Defendant  
KOHL'S DEPARTMENT STORES,  
INC. and erroneously sued as KOHL'S  
CORPORATION

**PROOF OF SERVICE**

CULLEN vs. KOHL'S - Case No. 30-2011-500532  
**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 801 South Figueroa Street, 15th Floor, Los Angeles, California 90017.

On May 24, 2012, I served the document described as **ANSWER TO UNVERIFIED COMPLAINT AND DEMAND FOR JURY TRIAL** on the interested parties in this action by placing true copies thereof enclosed in a sealed envelope(s) addressed as follows:

Christopher J. Hennes, Esq.  
 2130 Main Street, Suite 200  
 Huntington Beach, CA 91648  
 Telephone No. (714) 536-6023  
 Fax No. (714) 536-6073  
*Attorneys for Plaintiffs Amber Cullen and  
 Katelin Cullen, a minor*

☒ **(BY MAIL)** I caused such envelope(s) to be deposited in the mail at Los Angeles, California. The envelope(s) were/was mailed with postage thereon fully prepaid. I placed such envelope(s) with postage thereon prepaid in the United States mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **(BY OVERNIGHT COURIER):** I placed the above-referenced document in envelope(s) designated by the express service carrier (UPS) for overnight delivery, addressed as indicated above or on the attached service list. I delivered said UPS envelope to the personnel of our mail room. I am "readily familiar" with the firm's practice of collecting and processing documents intended for UPS overnight delivery. Under that practice, after the document is delivered to the firm's mail room, it is deposited that same day, with delivery fees provided for, in a box or other facility regularly maintained by the express service carrier or is delivered to an authorized courier or driver authorized by UPS service carrier to receive documents for overnight delivery.

☐ **(BY FACSIMILE)** I telecopied such document to the offices of the addressee(s) at the listed fax number(s) as indicated above or on the attached service list.

☐ **(BY PERSONAL SERVICE)** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s) as indicated above or on the attached service list via NATIONWIDE LEGAL, INC.

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 24, 2012, at Los Angeles, California.

  
 MARTHA ALFARO

# **EXHIBIT C**

CIV-050

**- DO NOT FILE WITH THE COURT -**

**-UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): <b>Christopher J. Hennes</b> SBN 71176 2130 Main Street Suite 200 Huntington Beach, CA 92648 ATTORNEY FOR (name): <b>Plaintiff, Amber Cullen</b>	TELEPHONE NO.: <b>714 536-6023</b>	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> STREET ADDRESS: <b>700 Civic Center Drive West</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>Santa Ana, California 92701</b> BRANCH NAME: <b>Central Justice Center</b>		
PLAINTIFF: <b>AMBER CULLEN</b> DEFENDANT: <b>KOHL'S DEPARTMENT STORES, INC.</b>		
<b>STATEMENT OF DAMAGES</b> <b>(Personal Injury or Wrongful Death)</b>		
		CASE NUMBER: <b>30-2011-500532</b>

To (name of one defendant only): **KOHL'S DEPARTMENT STORES, INC.**  
 Plaintiff (name of one plaintiff only): **AMBER CULLEN**  
 seeks damages in the above-entitled action, as follows:

**1. General damages**

	AMOUNT
a. <input checked="" type="checkbox"/> Pain, suffering, and inconvenience .....	\$ <u>50,000</u>
b. <input type="checkbox"/> Emotional distress .....	\$ _____
c. <input type="checkbox"/> Loss of consortium .....	\$ _____
d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only) .....	\$ _____
e. <input type="checkbox"/> Other (specify) .....	\$ _____
f. <input type="checkbox"/> Other (specify) .....	\$ _____
g. <input type="checkbox"/> Continued on Attachment 1.g.	\$ _____

**2. Special damages**

a. <input checked="" type="checkbox"/> Medical expenses (to date) .....	\$ <u>85,803</u>
b. <input type="checkbox"/> Future medical expenses (present value) .....	\$ _____
c. <input type="checkbox"/> Loss of earnings (to date) .....	\$ _____
d. <input type="checkbox"/> Loss of future earning capacity (present value) .....	\$ _____
e. <input type="checkbox"/> Property damage .....	\$ _____
f. <input type="checkbox"/> Funeral expenses (wrongful death actions only) .....	\$ _____
g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) .....	\$ _____
h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) .....	\$ _____
i. <input type="checkbox"/> Other (specify) .....	\$ _____
j. <input type="checkbox"/> Other (specify) .....	\$ _____
k. <input type="checkbox"/> Continued on Attachment 2.k.	\$ _____

3. ☐ **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify) .. \$ \_\_\_\_\_  
 when pursuing a judgment in the suit filed against you.

Date: **July 2, 2012****Christopher J. Hennes**

(TYPE OR PRINT NAME)

  
 (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

**STATEMENT OF DAMAGES**  
**(Personal Injury or Wrongful Death)**



**PROOF OF SERVICE BY MAIL [C.C.P. S1013(a) and S2015.5]**

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 2130 Main Street, Suite 200, Huntington Beach, CA 92648.

On July 3, 2012 I served the foregoing document(s) described as: **STATEMENT OF DAMAGES** on defendants' attorney in this action by placing a true copy of the original document listed above in a sealed envelope with postage thereon fully prepaid addressed as follows:

Jeffrey M. Lenkov, Esq.  
MANNING & KASS  
ELLROD, RAMIREZ, TRESTER LLP  
15<sup>th</sup> Floor at 801 Tower  
801 South Figueroa Street  
Los Angeles, CA 90017

☐ BY PERSONAL SERVICE: I delivered such envelope by hand to the offices of the addressee.

☐ BY ELECTRONIC MAIL: I sent such document via facsimile mail to the number(s) noted above.


☒ BY MAIL: As follows: I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

Executed on July 3, 2012, at Huntington Beach, California.

☐ BY FEDERAL EXPRESS OVERNIGHT MAIL deposited on \_\_\_\_\_

☒ STATE: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ FEDERAL: I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
DIANA L. RUIZ

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge James V. Selna and the assigned discovery Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

**SACV12- 1125 JVS (ANx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☐ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☒ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) AMBER CULLEN	<b>DEFENDANTS</b> KOHL'S DEPARTMENT STORES, INC.
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Christopher J. Hennes, Esq. 2130 Main Street, Suite 200 Huntington Beach, CA 91648 Tel. No. (714) 536-6023	<b>Attorneys (If Known)</b> Jeffrey M. Lenkov, Esq./Summer Bridges, Esq. Manning & Kass, Ellrod, Ramirez, Trester LLP 801 S. Figueroa Street, Los Angeles, CA 90017 Tel. No. (213) 624-6900

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.)  <table style="width:100%;"> <tr> <td style="width:40%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF DEF</td> <td style="width:10%; text-align: center;"><input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td style="width:30%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; text-align: center;">PTF DEF</td> <td style="width:10%; text-align: center;"><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td></td> <td><input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td></td> <td><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td></td> <td><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td></td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF DEF	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State		<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State		<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country		<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation		<input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State	PTF DEF	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4														
Citizen of Another State		<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State		<input type="checkbox"/> 5 <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country		<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation		<input type="checkbox"/> 6 <input type="checkbox"/> 6														

**IV. ORIGIN** (Place an X in one box only.)

☐ 1 Original Proceeding   
 ☒ 2 Removed from State Court   
 ☐ 3 Remanded from Appellate Court   
 ☐ 4 Reinstated or Reopened   
 ☐ 5 Transferred from another district (specify):   
 ☐ 6 Multi-District Litigation   
 ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT:** JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☒ No      **MONEY DEMANDED IN COMPLAINT:** \$

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 28 U.S.C. Section 1332, 28 U.S.C. Section 1441 (Diversity)

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: SACV12-1125

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Delaware

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
**Note: In land condemnation cases, use the location of the tract of land involved.**

**X. SIGNATURE OF ATTORNEY (OR PRO PER):**

*Robert P. Wares* Date *10 July 2012*  
*SB 175177*

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))